E4 Cont

9 (Twice-amended). A pharmaceutical composition comprising a CRP-derived peptide according to claim 25, and a pharmaceutically acceptable carrier.

E5

12 (Twice-amended). A method for the treatment of a chronic inflammatory condition which comprises administering to a patient in need thereof an effective amount of a peptide according to claim 25.

~~Delete~~ claims 16-24 without prejudice

REMARKS

Claims 2-9, 12, 13 and 25 presently appear in this case. No claims have been allowed. The Office Action of July 8, 2002, has now been carefully studied. Reconsideration and allowance of this case are respectfully urged.

Briefly, the present invention relates to a peptide corresponding to positions 89-96 of the human C-reactive protein (CRP) of the formula: Val_{89}-Thr-Val-Ala-Pro-Val-His-Ile_{96} and modifications thereof obtained by substitution, elongation and amidation of the C-terminal or acylation of the N-terminal. The present peptides do not encompass the entire CRP. These peptides may be used to inhibit the enzymatic activity of human Leukocyte Elastase (hLE) and/or of human Leukocyte Cathepsin G (hCG) and can be used for the treatment

of chronic inflammation conditions such as rheumatoid arthritis, pulmonary emphysema and cystic fibrosis.

Claims 14-24 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite in that the recitation in paragraph (C) that elongation does not include an entire protein is unclear. This rejection is respectfully traversed.

Claims 14 and 15 have now been deleted in favor of new claim 25. Claim 25 no longer uses the term "not including an entire protein" to which the examiner has objected. Part (C) now only specifies that the elongation does not include "the entire CRP". Thus, the (C) clause reverts to the language which appeared at the time of our responses of December 12, 2000, and July 27, 2001. In the official action of August 21, 2001, the examiner withdrew his previous objection to this language in light of the arguments in our July 27, 2001, response. This language was subsequently changed in an attempt to get around Barr. However, as a proviso has now been added to avoid Barr, as will be discussed hereinbelow, there is no need for the "protein" exclusion language of (C), and so the claim has been amended to go back to the disclaimer only of CRP, as had already been accepted in the official action of August 21, 2001. Accordingly, this rejection has now been obviated. Reconsideration and withdrawal thereof are, therefore, respectfully urged.

Claims 15-18 and 22 have been rejected under 35 U.S.C. §102(b) as being anticipated by Barr. The examiner points out that the language of claim 15 does not exclude Barr as had been intended and which was successfully done for claim 14 and those claims dependent therefrom. This rejection is respectfully traversed.

Due to a clerical error, claim 15 did not exclude the correct amino acid sequence and so it continued to read on Barr. However, both claims 14 and 15 have now been deleted in favor of new claim 25 that includes a proviso which excludes the sequence of Barr from its scope. Pursuant to telephone interviews with the examiner, this proposed claim 25, as well as another proposed alternative method for avoiding Barr, was emailed to the examiner, and the examiner advised the undersigned that the form of the claim 25, which is being formally submitted herewith, would comply with 35 U.S.C. §112 and avoid the Barr reference. Reconsideration and withdrawal of this rejection are, therefore, respectfully urged.

Claims 22-24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Barr. This rejection is respectfully traversed.

Claims 22-24 have now been deleted, thus obviating this rejection. Previously-appearing claims 9, 12 and 13, which correspond to claims 22-24 but depended from claim 14,

were not made subject to this rejection. These claims have now been made dependent from allowable claim 25 and should now be allowable for the same reason that claim 25 is allowable.

It is submitted that all of the claims now present in the case clearly define over the references of record and fully comply with 35 U.S.C. §112. Reconsideration and allowance are, therefore, earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

Respectfully submitted,

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Version with Markings to Show Changes Made

IN THE CLAIMS

Claims 2, 3, 5, 8, 9 and 12 have been amended as follows:

2 (~~Amended~~Twice-amended). A peptide according to claim ~~1~~425, wherein the hydrophobic amino acid residue is selected from the group of residues consisting of Leu, Ile, Val, Phe, Tyr, Nle and Nva.

3 (Twice-amended~~Amended~~). A peptide according to claim ~~1~~425(C), wherein the peptide is elongated by additional amino acid residues at the N-terminal.

5 (Twice-amended~~Amended~~). An N-acyl peptide according to claim ~~1~~425(D), wherein acyl is a radical R-X-CO-, wherein R is substituted or unsubstituted hydrocarbyl and X is a covalent bond, O, NH, or NHCO.

8 (~~Twice-Amended~~Thrice-amended). A peptide according to claim ~~1~~425, selected from the group of sequences consisting of:

Val-Thr-Val-Ala-Pro-Val-His-Ile (residues 89-96 of SEQ ID NO:3);

Val-Thr-Val-Ala-Pro-Val-(D)His-Ile;

Val-Thr-Val-Ala-Pro-(D)Val-His-Ile;

Val-Thr-Val-Ala-Pro-(D)Val-(D)His-Ile;

Val-Thr-Val-Ala-Pro-Val-Ser-Ile (SEQ ID NO:8);

Val-Thr-Val-Ala-Pro-Val-Phe-Ile (SEQ ID NO:9);

Val-Thr-Val-Ala-Pro-Val-His-Ile-NH_2 (SEQ ID NO:13);

Val-Thr-Val-Ala-Pro-Val-His-Ile-Pro-NH_2 (SEQ ID NO:10);

Val-Thr-Val-Ala-Pro-Phe-His-Ile-Pro-NH_2 (SEQ ID NO:11);

Val-Thr-Val-Ala-Pro-Val-His-Ile-Pro-Pro-NH_2 (SEQ ID NO:12);

MeOSuc-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:13);

MeOSuc-Phe-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:14);

Octanoyl-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:13);

Acetylaminocaproyl-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:13);

AdamantylNH-CO-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:13);

α-Naphthyl-NH-CO-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:13);

CBz-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:13);

CBz-Phe-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:14); and

Fmoc-Val-Thr-Val-Ala-Pro-Val-His-Ile (SEQ ID NO:13),

wherein CBz is carbobenzoxy, MeOSuc is monomethoxysuccinyl and Fmoc is 9-fluorenylmethoxycarbonyl.

9 (~~Amended~~Twice-amended). A pharmaceutical composition comprising a CRP-derived peptide according to claim ~~14~~25, and a pharmaceutically acceptable carrier.

12 (Twice-amended~~Amended~~). A method for the treatment of a chronic inflammatory condition which comprises administering to a patient in need thereof an effective amount of a peptide according to claim ~~14~~25.

Claims 14-24 have been deleted.

New claim 25 has been added.